Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.III/25
17 May 1999

ORIGINAL: ENGLISH

Third session
New York, 10 - 21 May 1999

THIRD SESSION OF THE NPT PREPARATORY COMMITTEE

Working Paper submitted by Angola, Benin, Bolivia, Botswana, Brazil, Cameroon, Chile, Colombia, Congo, Costa Rica, Ecuador, Egypt, El Salvador, Fiji, Ghana, Guatemala, Indonesia, Iran (Islamic Republic of), Ireland, Kenya, Lesotho, Liberia, Mali, Malaysia, Malawi, Mexico, Morocco, New Zealand, Nigeria, Panama, Peru, Philippines, Samoa, Solomon Islands,South Africa, Swaziland, Sweden, Switzerland, Thailand, Togo, Uruguay, Venezuela, Zambia and Zimbabwe

Background

In 1995 the States parties extended the Nuclear Non Proliferation Treaty indefinitely and undertook to make every effort to achieve its universality. The Review Process for the Treaty was strengthened and Principles and Objectives to address the implementation of the Treaty were adopted.

The Decisions and Resolution adopted in 1995 were taken against the promise heralded by a new era of international cooperation. It was concluded that "nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the Cold War." It was agreed that undertakings on nuclear disarmament should thus be fulfilled with determination. To this end a *programme of action* was adopted which it was agreed was important in the full realization and effective implementation of Article VI. Moreover, the nuclear weapon States re-affirmed their commitment under Article VI "to pursue in good faith negotiations on effective measures relating to nuclear disarmament".

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The Advisory Opinion of the International Court of Justice in the following year, concluded unanimously that: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

The Balance Sheet

The balance sheet in meeting the nuclear disarmament objectives set in 1995 is not, however, satisfactory. The CTBT has been concluded but, regrettably, negotiations on a fissile materials treaty are not taking place. Nor is an internationally legally binding instrument on negative security assurances yet in prospect.

The immediate commencement and rapid conclusion of negotiations on a fissile materials treaty is an outstanding priority. So too is the entry into force and universalisation of the CTBT as well as the strict observance of its purposes and provisions. The further pursuit of negative security assurances must be maintained.

Regionally there has been some progress in the further development of nuclear weapon free zones, and, in particular, the movement towards freeing the southern hemisphere and adjacent areas from such weapons.

There have been severe setbacks in South Asia where non-proliferation objectives have been blatantly disregarded. The situation in the Middle East remains of the utmost concern. Activities in the Korean Peninsula require on-going and close attention.

On the other side of the ledger, there is the potential of the bilateral START process. There have been welcome steps by some nuclear weapon States which will facilitate in due course their seamless integration into nuclear force reduction negotiations. But ratification of START II is unfortunately frozen. This in turn is blocking the commencement of negotiations on START III.

Conclusions

In reviewing all these developments, the overwhelming conclusion must be that the pace of efforts to implement all the obligations of the NPT is faltering. As a consequence, negotiations on the measures required to achieve the ultimate elimination of nuclear weapons are in serious deficit.

Of profound concern is the lack of evidence that the nuclear weapon States consider their treaty obligations as an urgent commitment to the total elimination of their nuclear weapons consistent with the Article VI obligations and the 1995 Principles and Objectives. On the contrary, the continued possession of nuclear weapons has been re-rationalised. Nuclear doctrines have been reaffirmed. This is happening at a time when the States parties have all agreed to work with determination for their elimination.

The indefinite extension of the NPT does not sanction the indefinite retention of nuclear weapons. That must be absolutely clear. There can be no question of entering the next millennium with the prospect that the retention of these weapons will be considered legitimate for the indefinite future.

It must be stressed that all the articles of the NPT are binding on all States parties and at all times and in all circumstances.

The NPT non-nuclear weapon States have entered into an obligation to forego the nuclear weapons option. That decision was made in the context of the corresponding legally binding commitments by the nuclear weapons States to eliminate their nuclear arsenals.

This fundamental and virtually universal bargain struck in the NPT is not being pursued. Its clear and unambiguous obligations are not being fulfilled with sufficient vigour. A world order whereby one group of five States can indefinitely retain nuclear weapons while more than one hundred and eighty States refrain from acquiring them in conformity with the same treaty is not acceptable. There must be a significant and visible acceleration in the process of elimination and a better balance in expectations.

It is inherent too in any treaty based on mutually agreed obligations that no one group of States can determine independently the pace with which the obligations of that treaty are implemented. It will no longer suffice in 2000 to rehearse the indefinite goal of the ultimate elimination of nuclear weapons. It is imperative to secure a clear and unequivocal commitment to the speedy pursuit of the total elimination of these weapons.

The Way Ahead

Consistent with this unequivocal commitment it will be necessary to agree on such measures as are required to reduce the nuclear threat at the earliest date and to fully implement the Treaty in

all its aspects. These measures must form the elements of a process of irreversibly ridding the world of nuclear weapons for all time. They will have to be realistic and achievable.

There will need to be a fine balance between bilateral, plurilateral and multilateral efforts, which should be mutually reinforcing and which should be pursued in concert. The continuing pursuit of the START process is fundamental and we urge the United States and the Russian Federation to overcome current obstacles to this process. The other nuclear weapon States should take the necessary steps towards their seamless integration into the process leading to the elimination of their nuclear weapons. The total and final elimination of nuclear weapons will require a multilateral agreement.

There are also a number of interim measures which should be addressed by the nuclear weapon States with a view to reducing the nuclear threat and de-emphasizing the role of nuclear weapons in security strategies. These include:

- the de-alerting of nuclear weapons and the removal of warheads from delivery vehicles;

- the reduction of reliance on non-strategic nuclear weapons, as well as the early examination of measures to enhance strategic stability and to review strategic doctrines accordingly;

- the development of a legally binding instrument against the use or the threat of use of nuclear weapons against non-nuclear weapon States parties to the NPT, so-called Negative Security Assurances.

Transparency by all nuclear weapon States about their nuclear arsenals and fissile material stocks and the placing under IAEA safeguards of materials surplus to requirements should be addressed.

Only four States remain outside the NPT. Three of them possess nuclear weapons capabilities. In the past year, two of these States have engaged in nuclear testing and they have echoed rationales for "minium credible deterrence". A third is the only State remaining outside the NPT in its region. All these States are called upon to accede to the NPT unconditionally and without delay and to promptly place all their nuclear facilities under full-scope IAEA safeguards.

Those States that have not yet done so are called upon to swiftly sign and/or ratify the CTBT unconditionally and without delay and, pending the Treaty's entry into force, to observe a moratorium on nuclear testing.

It is essential that all the existing and fundamental bilateral and multilateral instruments that make up the international security architecture be maintained and upheld.

All these steps would constitute elements of an agenda for 2000 and beyond. They are not exhaustive. There have been other constructive suggestions on the critical elements that must be addressed.

Resolution 53/77Y adopted in the General Assembly in 1998 by a large majority of Member States of the United Nations and therefore by a large majority of the parties to this Treaty sets out an agenda that will need to be pursued to achieve a world free of nuclear weapons. Given the support which the international community has already given to the consideration of these proposals, they should guide States parties in their formulation of objectives that need to be considered for the forward-looking products the Prepcom or Review Conference will produce.

The NPT remains as indispensable as ever, but there must be a demonstrable shift in policy and commitment to a reinvigorated disarmament process.